

REMARKS

The Present Invention

The present invention pertains to isolated cancer peptides consisting of (a) about 10 contiguous amino acids of SEQ ID NO: 4 that include amino acids 55-62 of SEQ ID NO: 4 or amino acids 127-136 of SEQ ID NO: 4 and (b) optionally 1 to about 10 additional contiguous amino acids of SEQ ID NO: 4 at the N-terminus of the cancer peptide, functionally equivalent variants thereof, as well as compositions and immunogens, both of which comprise the cancer peptides.

The Pending Claims

Claims 3, 5-8, 10, 12-15, 26, 28, 29, 67-77, 83-85, and 87-103 are currently pending, of which claims 3, 5-8, 10, 12-15, 67-77, and 87-97 are directed to isolated cancer peptides, claims 26 and 98 are directed to compositions comprising the cancer peptides, and claims 28, 29, 83-85, and 99-103 are directed to immunogens comprising the cancer peptides.

Amendments to the Claims

Claims 11, 16, 78-82, and 86 have been cancelled. Applicants reserve the right to pursue any canceled subject matter in a continuation, continuation-in-part, divisional, or other application. Cancellation of any subject matter should not be construed as abandonment of that subject matter.

Claim 3 has been amended to recite the limitations of claims 11 and 16. Claim 3 also has been amended to delete the transitional phrase "consisting essentially of." Claim 3 now recites "consisting of (a) about 10 contiguous amino acids of SEQ ID NO: 4 that include amino acids 55-62 or 127-136 of SEQ ID NO: 4 and (b) optionally 1 to about 10 additional contiguous amino acids of SEQ ID NO: 4 at the N-terminus of the cancer peptide." The phrase "about 10 amino acids in length" in reference to the cancer peptides of the present invention is supported by the specification at, for example, page 8, line 28, through page 9, line 3.

Claims 3, 5-8, 10, 12-15, 26, 28, and 67-77 have been amended to recite "isolated" in reference to "cancer peptide." In addition to claim 3, claims 10, 12-15, 69, 72, and 74-77 have been amended to recite "consisting of" instead of "consisting essentially of." Claims 26 and 28 have been amended to correct claim dependencies, in view of the cancellation of claims 11 and 16, and has been made singly dependent.

Claims 87-103 have been added. Claim 87 is supported by the specification at, for instance, page 8, lines 28, through page 9, line 1. Claims 88-91 are supported by the

specification at, for instance, Tables 6 and 7. Claims 92-95 are supported by the specification at, for example, page 12, lines 22-26. Claims 96 and 97 are supported by the specification at, for instance, page 8, lines 9-14. Claim 98 is supported by the specification at, for example, page 13, line 27 through page 14, line 12. Claims 99-103 are supported by the specification at, for instance, original claims 30 and 31, and page 14, lines 3-17. No new matter has been added by way of these amendments.

Discussion of the Advisory Action


The Office did not enter the amendments proposed in the "Supplemental Amendment and Response to Final Office Action," as the Office alleged that the amendment raised new issues that would have required further consideration under Section 112, second paragraph. Specifically, the Office contended that it is not clear which limitation of "consisting," "comprises," "about 10 amino acids in length," or "10 amino acids in length and optionally further consists of" controls the scope.

Claim 3 has been amended to recite "consisting of (a) about 10 contiguous amino acids of SEQ ID NO: 4 that include amino acids 55-62 of SEQ ID NO: 4 or amino acids 127-136 of SEQ ID NO: 4 and (b) optionally 1 to about 10 additional contiguous amino acids of SEQ ID NO: 4 at the N-terminus of the cancer peptide," such that it is more clear that the transitional phrase "consisting of" controls the scope of the claim. Therefore, the metes and bounds of the pending claims can be ascertained by one of ordinary skill in the art, and the pending claims are in compliance with Section 112, second paragraph.

Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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